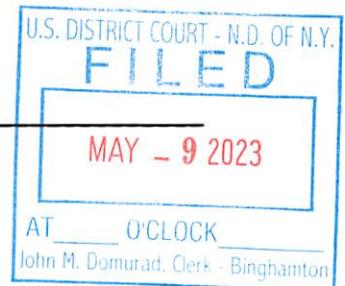


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



DANIEL PORRAZZO,

Petitioner-Defendant,

v.

Case No. 1:23-CV-354
1:20-CR-285

UNITED STATES OF AMERICA,

Respondent-Plaintiff.

PETITIONER'S RESPONSE TO GOVERNMENT'S MOTION FOR COURT-ORDERED
WAIVER OF ATTORNEY-CLIENT PRIVILEGE AND TO GOVERNMENT'S LETTER-
REQUEST TO HOLD THESE PROCEEDINGS IN ABEYANCE

Pro Se Petitioner Daniel Porrazzo filed a motion under 28 U.S.C. §2255 (Dkt. 57), followed by an amended motion and supporting exhibits (Dkts. 59, 60). The government responded with a Motion for Court-Ordered Waiver of Attorney-Client Privilege (Dkt. 61) and Letter-Request for Adjournment of the proceedings (Dkt. 62). Porrazzo responds as follows:

1. Attorney-Client Privilege

Porrazzo does not oppose the government's motion for a court-ordered waiver of attorney-client privilege for the limited purposes of providing affidavits and possible in-court testimony, as needed, to respond to Porrazzo's claims of ineffective assistance of trial and appellate counsel.

Porrazzo recognizes to gravity of his claims against his former attorneys, and understands that allowing their testimony is in the interest of the same justice that Porrazzo now seeks from this Court. Accordingly, Porrazzo does not withdraw any of his filed §2255 pleadings, in whole or in part, as so helpfully "suggested" by the government (Dkt. 61, page 6, line 6).

Porrazzo respectfully requests that any court-ordered waiver be utilized only for this proceeding under §2255, and reserves the right to ask this Court to strike any protected information provided by these attorneys that is not material to his specific claims of deficient performance.

2. Adjournment

In a letter-request (Dkt. 62), the government asks the Court to adjourn this proceeding and hold it "in abeyance until the Privilege Motion is resolved." Upon receipt of this response pleading, the government's cause for formal adjournment is now moot, and thus, should be denied.

However, Porrazzo does not oppose the government's request for a 60 day extension of time to respond to his amended §2255 motion and brief.

WHEREFORE, based upon the above, Daniel Porrazzo, pro se petitioner, does not oppose a court-ordered waiver of attorney-client privilege or a 60 day extension of time for the government to respond to his amended motion, but the government's request for adjournment should be denied because the reason is now moot.

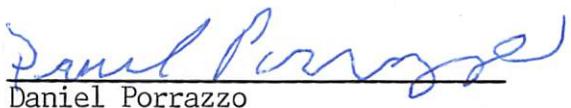
Respectfully Submitted,



Daniel Porrazzo
pro se

CERTIFICATE OF SERVICE

I, Daniel Porrazzo, declare under penalty of perjury and under the Federal Mailbox Rule, that I filed this Response to the government's motion by placing a true and correct copy into the Prison Mail system, pre-paid USPS First Class, on May 1, 2023, addressed to the Clerk of the U.S. District Court for the Northern District of New York, 15 Henry Street, Binghamton, New York 13901.



Daniel Porrazzo

Daniel Porrazzo

NAME

11094-509

REG. NO.

FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 1000
MILAN, MICHIGAN 48160

METROPLEX MI 48160

5 MAY 2023 PM 4



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Clerk Of The Court
U.S.Dist.Ct. - N.D.N.Y.
15 Henry ST
Binghamton, NY 13901
United States

13901-278199

